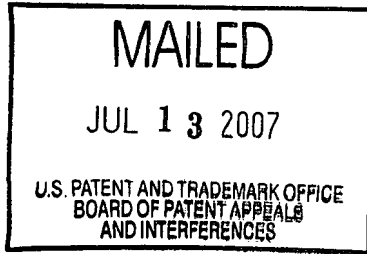


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte KENNETH MARKS
and
DOUGLAS A. PARSONS

Application 10/816,092

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 12, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Information Disclosure Statement (IDS) was filed on January 19, 2006. It is

not apparent from the record whether the examiner considered the statement submitted or notified appellants regarding why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required. It should be noted that this deficiency was previously noted in the Review Form/Checklist mailed on March 9, 2007.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for consideration of the IDS filed January 19, 2006, and written notification to appellants regarding the Primary Examiner's decision; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Patrick J. Nolan
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN:psb

Application 10/816,092

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